



February 25, 2013

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Written Ex Parte Communication in MB Docket Nos. 09-182, 07-294

Dear Ms. Dortch:

Earlier today, the Minority Media and Telecommunications Council ("MMTC") filed a letter urging the Commission to defer its vote on a draft order in the above-referenced quadrennial review proceedings.¹ MMTC seeks this deferral in order to submit additional evidence into the record. Specifically, MMTC announced plans to retain a private firm to conduct an independent study on the impact of newspaper/broadcast cross-ownership on minority-owned broadcast stations. MMTC believes such a study would further its own past proposals,² and would be responsive to the remand order of the U.S. Court of Appeals for the Third Circuit.³ MMTC further states that it is doing outreach to various parties with differing views on newspaper/broadcast cross-ownership to seek their input on its study.⁴

The National Association of Broadcasters ("NAB") reviewed MMTC's letter and agrees that there is potential merit in additional data-gathering regarding minority ownership. Accordingly, NAB does not oppose MMTC's suggestion that the Commission defer action in the above-referenced proceedings pending its review of the results of MMTC's study. Such a brief deferral, however, should not lead to additional lengthy delay in the resolution of the already overdue quadrennial review proceeding. The

¹ Letter to Chairman Julius Genachowski, FCC, from David Honig, President & CEO, MMTC, in MB Docket Nos. 09-182 and 07-294 (filed Feb. 25, 2013) ("MMTC Study Ex Parte").

² *Id.* at 1, *citing* Initial Comments of the Diversity and Competition Supporters ("DCS"), MB Docket No. 09-182 *et al.*, March 5, 2012, p. 43 ("DCS does not oppose relaxation of the cross-ownership rule so long as the rule, as applied, would not discourage or lead to a decrease in minority ownership.")

³ MMTC Study Ex Parte at 2, *citing* *Prometheus Radio Project v. FCC*, 652 F.3d 431, 472 (3d Cir. 2011) ("*Prometheus II*").

⁴ *Id.* at 1.

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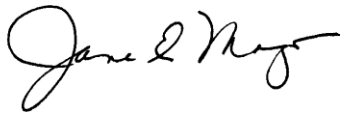
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broadcast industry needs the certainty intended by Section 202(h) of the Telecommunications Act of 1996, and we anticipate Commission action shortly after the submission of MMTC's study.

Throughout these proceedings, NAB has sought to identify areas of shared concern with other interested parties, and potential solutions for the Commission's consideration. NAB will continue working with the Commission and others to help address various issues, including minority ownership concerns, so that the Commission can move forward toward a decision in the above-referenced proceedings.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jane E. Mago". The signature is fluid and cursive, with the first name "Jane" and last name "Mago" clearly distinguishable.

Jane E. Mago
Executive Vice President and General Counsel
Legal and Regulatory Affairs

cc: Chairman Genachowski, Commissioner McDowell, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, Elizabeth Andrion, Erin McGrath, Dave Grimaldi, Alex Hoehn-Saric, Matthew Berry, Bill Lake